



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,925	06/04/2001	Joseph M. Silva	12-1109	4443

27572 7590 03/25/2004

HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 03/25/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,925

Applicant(s)

SILVA, JOSEPH M.

Examiner

Raymond S Dean

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 10 and 14 - 18 is/are rejected.
- 7) ☒ Claim(s) 11 - 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 3, 6, 7, 10, and 14 - 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Beghtol et al. (US 6,253,075 B1).

Regarding Claim 1, Beghtol teaches a method for requesting initiation of a phone call, the method including the steps of: receiving a local request from a first user for initiation of the phone call with a second user (Column 4 lines 9 – 21, the first user uses the remote transceiver, said remote transceiver initiates a wireless phone call to the mobile phone, which is used by a second user, thus there is an inherent local request from said first user for said initiation of wireless phone call); retrieving a primary phone number (Column 6 lines 22 – 39, since there is caller ID information the phone number of said remote transceiver must be transmitted to the mobile phone which means that there is an inherent retrieval of said phone number such that said phone number can be transmitted), the primary phone number corresponding to the first user; and transmitting

a call initiation request to the second user, the call initiation request including the primary phone number (Column 6 lines 22 – 39, the displaying of the caller ID information is the call initiation request to the second user of the mobile phone).

Regarding Claim 2, Beghtol teaches all of the claimed limitations recited in Claim 1. Beghtol further teaches receiving a local request for initiation of a wireless phone call (Column 4 lines 9 – 21, the first user uses the remote transceiver, said remote transceiver initiates a wireless phone call to the mobile phone thus there is an inherent receiving of a local request for said initiation).

Regarding Claim 3, Beghtol teaches all of the claimed limitations recited in Claim 1. Beghtol further teaches retrieving the primary phone number from a computer readable memory (Column 6 lines 22 – 39, since there is caller ID information the phone number of said remote transceiver must be transmitted to the mobile phone, which means that there is an inherent retrieval of said phone number such that said phone number can be transmitted, there has to be a storage location from which said phone number is retrieved thus there is an inherent computer readable memory).

Regarding Claim 6, Beghtol teaches a method for initiating a phone call, the method comprising the steps of: receiving a call initiation request (Column 6 lines 22 – 39, the displaying of the caller ID information is the call initiation request to the second user of the mobile phone), the call initiation request including a primary phone number corresponding to a first user; and requesting an authorization from a second user to initiate the call (Column 6 lines 22 – 39, the displaying of the caller ID information is the

call initiation request to the second user of the mobile phone, said second user can elect to authorize the call or not authorize the call).

Regarding Claim 7, Beghtol teaches all of the claimed limitations recited in Claim 6. Beghtol further teaches transmitting an authorization request to a wireless phone user interface (Column 6 lines 25 – 27, the caller ID information is displayed on a display of the mobile phone, which is a user interface).

Regarding Claim 10, Beghtol teaches all of the claimed limitations recited in Claim 6. Beghtol further teaches storing the primary phone number to a computer readable memory (Column 5 lines 19 – 32).

Regarding Claim 14, Beghtol teaches a wireless call management system comprising: a request module for transmitting outgoing call initiation requests to remote users based on local requests from a local user (Column 4 lines 9 – 21, Column 6 lines 22 – 39, the local user uses the remote transceiver, said remote transceiver initiates a wireless phone call to the mobile phone, the mobile phone receives caller ID information which is the outgoing call initiation request from said remote transceiver thus there is an inherent request module), the outgoing call initiation requests including a phone number corresponding to the local user (Column 6 lines 22 – 39); an initiation module for requesting authorizations from the local user based on incoming call initiation requests (Column 5 lines 1 – 18, Column 6 lines 22 – 39, this is a wireless system that conforms to the IS-95-A standard thus there are a plurality of base stations and mobile phones, said mobile phones can transmit call initiation requests and receive call initiation requests thus there is an inherent initiation module, user of said mobile phones can

Art Unit: 2684

elect to authorize the call or not authorize the call), the incoming call initiation requests including phone numbers corresponding to the remote users (Column 5 lines 1 – 18, Column 6 lines 22 – 39, this is a wireless system that conforms to the IS-95-A standard thus there are a plurality of base stations and mobile phones, said mobile phones can transmit call initiation requests and receive call initiation requests); and a wireless phone user interface for generating the outgoing call initiation requests based on the local requests for initiation of phone calls (Column 4 lines 9 – 21, Column 6 lines 22 – 39, the local user uses the remote transceiver, said remote transceiver initiates a wireless phone call to the mobile phone, the mobile phone receives caller ID information which is the outgoing call initiation request from said remote transceiver, said outgoing call initiation requests are generated by the keyboard on the remote transceiver, which is a user interface), the user interface further transmitting authorization requests to the local user based on the incoming call initiation requests (Column 5 lines 1 – 18, Column 6 lines 22 – 39, this is a wireless system that conforms to the IS-95-A standard thus there are a plurality of base stations and mobile phones, said mobile phones can transmit call initiation requests and receive call initiation requests, the user interface is the display on the mobile phone that displays the caller ID information, the user will see said caller ID information and elect to authorize or not authorize the call).

Regarding Claim 15, Beghtol teaches all of the claimed limitations recited in Claim 14. Beghtol further teaches a computer readable memory for storing the phone numbers corresponding to the remote users (Column 5 lines 19 – 32).

Regarding Claim 16, Beghtol teaches all of the claimed limitations recited in Claim 14. Beghtol further teaches a signaling system for transmitting the outgoing call initiation requests and receiving the incoming call initiation requests (Column 5 lines 1 – 18, Column 6 lines 22 – 39, this is a wireless system that conforms to the IS-95-A standard thus there are a plurality of base stations and mobile phones, said mobile phones can transmit call initiation requests and receive call initiation requests thus there is an inherent signaling system).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 5, 9, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beghtol et al. (US 6,253,075 B1) in view of DeMont (US 6,351,640 B1).

Regarding Claim 4, Beghtol teaches all of the claimed limitations recited in Claim 1. Beghtol does not specifically teach transmitting a line of sight signal to a receiver corresponding to the second user, the line of sight signal including the call initiation request.

DeMont teaches transmitting a line of sight signal to a receiver corresponding to the second user (Figure 2A, Column 4 lines 14 – 20, the fact that the beacon has a light emitting diode means that it has to be line of sight), the line of sight signal including the call initiation request (Figure 5, Column 6 lines 18 – 35, the displaying of identifying information of the advertiser is the call initiation request).

The mobile phone of Beghtol has line of sight capability (Column 5 lines 36 – 38) thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the line of sight method taught in DeMont in the mobile phone of Beghtol such that said mobile phone can receive line of sight signals thus creating a flexible mobile phone with expanded communications capability.

Regarding Claim 5, Beghtol in view of DeMont teaches all of the claimed limitations recited in Claim 4. Beghtol further teaches transmitting an infrared signal to the receiver (Column 5 lines 36 – 38).

Regarding Claim 9, Beghtol teaches all of the claimed limitations recited in Claim 6. Beghtol does not specifically teach receiving a line of sight signal, the line of sight signal including the call initiation request.

DeMont teaches receiving a line of sight signal (Figure 2A, Column 4 lines 14 – 20, Column 6 lines 18 – 35, the fact that the beacon has a light emitting diode means that it has to be line of sight), the line of sight signal including the call initiation request (Figure 5, Column 6 lines 18 – 35, the displaying of identifying information of the advertiser is the call initiation request).

The mobile phone of Beghtol has line of sight capability (Column 5 lines 36 – 38) thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the line of sight method taught in DeMont in the mobile phone of Beghtol such that said mobile phone can receive line of sight signals thus creating a flexible mobile phone with expanded communications capability.

Regarding Claim 17, Beghtol teaches all of the claimed limitations recited in Claim 16. Beghtol does not specifically teach transmitting and receiving line of sight signals.

DeMont teaches transmitting and receiving line of sight signals (Figure 2A, Column 4 lines 14 – 20, Column 6 18 – 35, the fact that the beacon has a light emitting diode means that it has to be line of sight).

The mobile phone of Beghtol has line of sight capability (Column 5 lines 36 – 38) thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the line of sight method taught in DeMont in the mobile phone of Beghtol such that said mobile phone can receive line of sight signals thus creating a flexible mobile phone with expanded communications capability.

Regarding Claim 18, Beghtol in view of DeMont teaches all of the claimed limitations recited in Claim 17. Beghtol further teaches an infrared receiver for receiving infrared signals (Column 5 lines 36 – 38).

Beghtol does not specifically teach a transmitter for transmitting infrared signals.

DeMont teaches a transmitter for transmitting infrared signals (Figure 2A, Column 4 lines 14 – 20, infrared is a line of sight protocol, infrared transmitters have light emitting diodes thus this can be an infrared transmitter).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the infrared transmission capability taught in DeMont in the infrared port of the mobile phone of Beghtol such that said mobile phone will have the ability to conduct bi-directional communications via a infrared link thus creating a flexible mobile phone with expanded communications capability.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beghtol et al. (US 6,253,075 B1) in view of Phillips (US 2002/0173297 A1).

Regarding Claim 8, Beghtol teaches all of the claimed limitations recited in Claim 6. Beghtol does not teach transmitting an authorization request to a landline connection.

Phillips teaches transmitting a signal to a landline connection (Section 0013, the call can be forwarded to a landline connection at work).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the call forwarding feature taught in Phillips in the mobile phone of Beghtol such that a user of said mobile phone can be reached on a land line at work or at home.

Allowable Subject Matter

Art Unit: 2684

5. Claims 11 –13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Regarding Claim 11, The prior art of record fails to teach dialing the primary phone number upon receiving the authorization; and deleting the primary phone number from the memory.

Regarding Claim 12, Beghtol teaches a mobile phone receiving a denial from another mobile phone (Column 6 lines 22 – 39) but the prior art of record fails to teach deleting the primary phone number from the memory upon receiving a denial from the second user.

Regarding Claim 13, The prior art of record fails to teach deleting the primary phone number from the memory after a predetermined period of time.

Conclusion

6. Any inquiry concerning this communication should be directed to Raymond S. Dean at telephone number (703) 305-8998.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Application/Control Number: 09/873,925

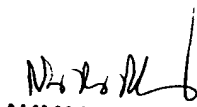
Page 11

Art Unit: 2684

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand – delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

A large, stylized handwritten signature in black ink, appearing to read "Raymond".A smaller handwritten signature in black ink, appearing to read "Nay Maung".

NAY MAUNG
SUPERVISORY PATENT EXAMINER